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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,477	03/12/2004	Antony R. Periathamby	630024.00002	8393

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EXAMINER

PEZZUTO, HELEN LEE

ART UNIT	PAPER NUMBER
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1713

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/799,477

Applicant(s)

PERIATHAMBY ET AL.

Examiner

Helen L. Pezzuto

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13,14,16-18 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) 16-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13,14 and 21-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 13-14, 16-18, 21-30 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's amendment to claims 13-14, 16-18, the cancellation of claims 1-12, 15, 19-20, and the addition of claims 21-30 filed in the response on 11/3/06 are acknowledged. Currently, claims 13-14, and 21-30 are under consideration in this application.

In light of applicant's amendment, previous objection to claims 13-14 is withdrawn.

Election/Restrictions

This application contains claims 16-18 drawn to an invention nonelected with traverse in the reply filed on 5/1/06. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claims 16-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 5/1/06.

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 13-14, and 21-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagishi et al. (US-913) or JP-05-306208 for the reasons of record.

US 6,048,913 to Yamagishi et al. discloses a dental coating composition having enhanced adhesion strength (col. 1, lines 36-40). Prior art dental coating composition comprises a polymer (a) derived from a phosphate-containing monomer within the scope of the instant ethylene glycol methacrylate phosphate (col. 4, lines 1-41), and a non-phosphorus monomer within the scope of the instant alkyl methacrylate monomer (col. 4, lines 57-62; col. 9, lines 47-64; working examples). Prior art further teaches admixture of conventional additives and polymethyl methacrylate polymer, which are well known to be denture polymer to one skilled in the art. Accordingly, in light of

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the enhanced durability of the composition, it would have been obvious to one having ordinary skill in the art to utilize the dental coating composition in the manufacturing of denture, denture base, denture liner or tissue conditioner material, motivated by the reasonable expectation of success in the oral environment.

Similarly, JP-05-306208 discloses a dental adhesive within the scope of the present copolymer system. Specifically, prior art discloses and exemplifies a radically polymerizable composition containing, a ethylenically unsaturated monomer such as methyl methacrylate, an organic ester monomer as defined in formula I (i.e. methacryloyloxyethyl phosphate), and a trialkylborane initiator system. Accordingly, one skilled in the art would have readily envisaged using the dental adhesives composition in the manufacturing of denture, denture base, denture liner or tissue conditioner material, motivated by the reasonable expectation of success and effectiveness in the resultant adhesive property in the oral environment.

Response to Arguments

Applicant's amendment and remarks filed in the response on 11/3/06 have been fully considered but are not found to be

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persuasive. The crux of applicant's argument lies in the references cited is concerned with composition used to repair missing tooth structure and mention nothing about denture, or the incentive to coat denture with the materials disclosed therein. The examiner disagrees because prior art clearly teach dental coating/adhesive compositions, comprising identical monomers and comonomers as presently claimed. The compositions are expressively taught to suitably used in oral environment. Absent specific limitation in the body of the present claims which specify the environment and structure of the denture, denture base, denture liner or tissue conditioner recited in the preamble, the examiner remains of the position that it would have been prima facie obvious to one having ordinary skill in the art to utilize prior art dental compositions in the manufacturing of denture, denture base, denture liner or tissue conditioner materials as claimed, motivated by the reasonable expectation of success as taught.

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action

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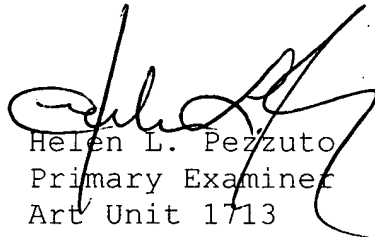
is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen L. Pezzuto whose telephone number is (571) 272-1108. The examiner can normally be reached on 8 AM to 4 PM, Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Helen L. Pezzuto
Primary Examiner
Art Unit 1713

hlp